

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

AXIS SURPLUS INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	Case No. 4:22-cv-00328
	)	
v.	)	
	)	
TRISTAR COMPANIES, LLC,	)	
	)	
Defendant.	)	

**PROPOSED JOINT SCHEDULING PLAN**

Plaintiff, AXIS Surplus Insurance Company (“AXIS”) and Defendant, TriStar Companies (“TriStar”) (collectively the “Parties”) submit the following Joint Proposed Scheduling Plan:

**INTRODUCTORY STATEMENT**

In accordance with Fed. R. Civ. P. 26(f)(1), the Parties met and conferred on June 3, 2022 with respect to this joint scheduling plan. AXIS filed this declaratory judgment action to determine whether its liability insurance policy obligates it to defend TriStar with respect to an underlying wrongful death lawsuit -- AXIS contends it does not, which TriStar contests. Because the interpretation of an insurance policy is a matter of law for the Court to decide, the parties believe resolution of this matter by summary judgment is likely, and that limited discovery will be necessary.

**1. TRACK ASSIGNMENT**

The Parties agree that Track 1: Expedited is appropriate for this case.

**2. JOINDER AND AMENDMENT**

The Parties will move to amend their pleadings or add new parties by June 23, 2022.

**3. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION**

The Parties do not believe referral to mediation would be beneficial at this time.

**4. DISCOVERY PLAN**

The Parties propose the following discovery schedule:

- a. June 30, 2022: initial disclosures under Fed. R. Civ. P. 26(a)(1).
- b. Discovery need not be conducted in phases or limited to certain issues.
- c. The Parties will be limited to ten (10) depositions each (Fed. R. Civ. P. 30(a)(2)(A)) and twenty-five (25) interrogatories each (Fed. R. Civ. P. 33(a)).
- d. No mental or physical examinations of any individual are necessary.
- e. The Parties do not presently anticipate the need for expert testimony.
- f. September 30, 2022: completion of fact discovery. All interrogatories, requests for production, requests for admissions, and deposition notices/subpoenas shall be served within sufficient time to allow completion prior to the close of fact discovery.
- g. The Parties will negotiate in good faith any issues with the form or manner of production of electronic discovery.

**5. DISPOSITIVE MOTIONS**

Dispositive motions will be filed no later than October 31, 2022. Oppositions and replies in support will be due in accordance with Local Rule 7-4.01. Nothing in this Order shall prevent a party from filing a dispositive motion prior to the close of fact discovery.

**6. TRIAL DATE AND LENGTH**

The case shall be ready for trial by January 23, 2023. The parties anticipate that, following the Court's rulings on dispositive motions, any remaining unresolved issues could be tried in no more than two days.

Respectfully submitted,

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